

HOUSE BILL 2943

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to the operation of motor
vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated section:

§ 55-8-____.

(a) No driver shall operate a motor vehicle on any highway while using a hand held mobile telephone unless such person uses a hands-free device while the motor vehicle is in motion.

(b) For the purposes of this section, unless the context otherwise requires:

(1) "Hand held mobile telephone" means a cellular, analog, wireless or digital telephone that provides for voice communication and for data communication other than by voice; and

(2) "Hands-free device" means the use of a mobile telephone with a speaker phone, headset, or earpiece.

(c) A violation of subsection (a) is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.